

Remarks/Arguments

In response to the Decision on Appeal dated September 23, 2008 in relation to the above-identified patent application, applicant elects to reopen prosecution of the application by submitting the present RCE Amendment.

Prior to the Appeal, claims 3-6 stood finally rejected under 35 U.S.C. § 102(b) and 35 U.S.C. § 112, second paragraph. In the Decision, the Board, on technical rather than prior-art substantive grounds, upheld the Examiner's rejection of claims 3-5, inclusive, but did not sustain the Examiner's rejection of claim 6.

While applicant does not agree with the Board's decision respecting claims 3-5, inclusive, applicant nevertheless cancels those claims herein without prejudice. Claim 6, indicated by the Board to be allowable, stands as the single remaining claim.

Applicant respectfully requests the issuance of a Notice of Allowance with respect to this single remaining claim. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

Respectfully Submitted,

56703

ROBERT D. VARITZ, P.C.

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730


Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202